

803 KAR 2:319. Commercial diving operations.

RELATES TO: KRS Chapter 338, 29 C.F.R. Part 1910.401-1910.440

STATUTORY AUTHORITY: KRS 338.051(3), 338.061

NECESSITY, FUNCTION, AND CONFORMITY: KRS 338.051(3) requires the Kentucky Occupational Safety and Health Standards Board to promulgate occupational safety and health administrative regulations necessary to accomplish the purposes of KRS Chapter 338. This administrative regulation establishes commercial diving operations standards to be enforced by the Office of Occupational Safety and Health in the area of general industry.

Section 1. Definitions. (1) "Assistant Secretary of Labor" means the Commissioner of the Department of Labor, Commonwealth of Kentucky.

(2) "Employee" is defined in KRS 338.015(2).

(3) "Employer" is defined in KRS 338.015(1).

(4) "Standard" is defined in KRS 338.015(3).

Section 2. Except as modified by the definitions in Section 1 and the requirements in Section 3 of this administrative regulation, general industry shall comply with the following federal regulations published by the Office of the Federal Register, National Archives and Records Administration:

(1) 29 C.F.R. 1910.401-1910.440, and Appendices, revised July 1, 2011; and

(2) The amendments to 29 C.F.R. 1910.440 as published in the December 27, 2011 Federal Register, Volume 76, Number 248.

Section 3. Reporting Requirement. An employer required by this administrative regulation to report information to the United States Department of Labor, or any subsidiary thereof, shall instead report such information to the Kentucky Labor Cabinet, U.S. Highway 127 South, Suite 4, Frankfort, Kentucky 40601. (16 Ky.R. 700; eff. 12-15-89; 20 Ky.R. 2700; eff. 5-11-1994; 23 Ky.R. 1724; eff. 12-13-1996; 31 Ky.R. 1595; 1818; eff. 5-26-2005; 33 Ky.R. 3053; 3378; eff. 6-1-2007; TAm eff. 9-8-2011; 38 Ky.R. 104; 10-7-2011; TAm. eff. 7-12-2012; 38 Ky.R. 2029; eff. 8-31-2012.)